IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMARY SUIT NO. 1724 OF 1987

United Phosphorus Ltd., .. Plaintiffs.

V/s.

Farmico Pvivate Limited .. Defendants.

Mr.D.R.Jhuriya i/by M.L.Bansal for the Plaintiffs.

CORAM : S. A. BOBDE, J.

DATED : 08th FEBRUARY, 2007.

P.C.:

. The suit was filed as summary suit. On 07.12.1987 the suit was transferred to the list of commercial causes and the defendant was permitted to file a written statement within a period of 12 weeks from that date. No written statement is filed on record. Hence, it would be appropriate to proceed in the suit under Order XXXVII, Rule 3, Sub-rule 6 (b) read with Order VIII, Rule 10 of the Code of Civil Procedure.

2. The plaintiffs have sued for prices of 15 drums of Fenvalerate 20% EC at the agreed price of Rs. 5,55,000/- under the various challans as stated in the plaint. According to the plaintiffs, in all 16 drums

were supplied of the value of Rs.8,08,059/- as per the particulars of claim annexed at Exh.‘F’ with interest at the rate of 18% on the principal amount of Rs.7,17,000/-. All the relevant delivery challans are annexed to the plaint.

3. In view of the uncontroverted averments, the suit is decreed in terms of the prayer clause (a) with interest at 12% from the date of filing of the suit till payment.

4. Decree be drawn up accordingly.

(S.A.BOBDE,J.)

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